



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Gerard T. Kelly, et al.

RECEIVED

Serial No: 10/771,881

Art Unit: 1734

DEC 16 2004

Filed: February 4, 2004

Conf. No.: 3751

OFFICE OF PETITIONS

For: RFID LABEL APPLICATOR AND METHOD OF APPLICATION

Docket: 1017001US1AP

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

12/13/2004 PTRICE 00000016 10771881

01 FC:1461 567.00 OP

NOTIFICATION OF LOSS OF SMALL ENTITY STATUS

The Applicant in the above-identified patent application established small entity status in good faith when the application was filed. The lawyers in the law firm of Sand & Sebolt have recently learned through Applicant that Applicant is now a large entity. As Applicant is unsure of the exact date that it became a large entity and because Applicant does not wish to jeopardize its patent applications and patents by having paid insufficient fees for actions taken with respect to its patents and patent applications, Applicant is hereby submitting additional fees to cover any deficiencies with respect to the loss of small entity status

Applicant thus notifies the Office that it has lost its entitlement to small entity status and respectfully requests that any error in claiming the small entity status be excused in accordance with 37 C.F.R. § 1.28(c). Accompanying this request for excuse are an itemization of the payments due and the deficiency payment required by 37 C.F.R. § 1.28(c)(2).

Calculation of Fee Deficiency:

	<u>Fee Paid</u>	<u>Current Fee</u>	<u>Difference</u>
Filing fee:	\$547.00	\$1114.00	\$567.00
		Total due:	\$567.00

The Applicant has included a check with this notification in the amount of \$567.00 for the fee deficiency. **The Commissioner is hereby authorized to charge any deficiency in the payment of the required fees or credit any overpayment to Deposit Account 19-0083.**

The Applicant again respectfully requests that the error in claiming small entity status be excused. If any issues remain after this submission, the undersigned attorney would welcome a telephone call.

Respectfully submitted at Canton, Ohio this 3rd day of December, 2004.

SAND & SEBOLT



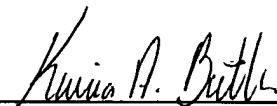
By: Joseph A. Sebolt
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Attorney Docket:1017001US1AP

CERTIFICATE OF MAILING

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Karina A. Butler

I FW/DAC

DEC 06 2004



DIVISION

PTO/SB/21 (01-03)

Approval for use through 04/30/2003...OMB 0651-0031
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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	10/771,881	2004 DEC - 9 2004
Filing Date	February 4, 2004	
First Named Inventor	Gerard T. Kelly et al.	RECEIVED
Art Unit	1734	DEC 16 2004
Examiner Name		

Total Number of Pages in This Submission

Attorney Docket Number

1017001US1AP

OFFICE OF PETITIONS

ENCLOSURES (check all that apply)

- | | | |
|--|---|---|
| <input type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> After Allowance Communication to Group |
| <input type="checkbox"/> Fee Attached | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input type="checkbox"/> Amendment / Reply | <input type="checkbox"/> Petition | <input type="checkbox"/> Appeal Communication to Group (<i>Appeal Notice, Brief, Reply Brief</i>) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Power of Attorney, Revocation | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Change of Correspondence Address | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Terminal Disclaimer | Notification of Loss of Small Entity Status Check |
| <input type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> Request for Refund | Return Receipt Postcard |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | <input type="checkbox"/> CD, Number of CD(s) _____ | |
| <input type="checkbox"/> Response to Missing Parts/ Incomplete Application | | |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | | |

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual	Joseph A. Sebolt Reg. No. 35,352 SAND & SEBOLT Aegis Tower, Suite 1100 Canton, OH 44718-3615 (330) 244-1174
Signature	
Date	12-3-04

CERTIFICATE OF TRANSMISSION/MAILINGI hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450 on this date: December 3, 2004

Typed or printed	Karina A. Butler
Signature	
	Date

December 3, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents. Washington, DC 20231.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.